



## State Water Resources Control Board

### CITATION

April 5, 2023

Eduardo Rodriguez  
Eurofins Eaton Analytical, LLC - Monrovia  
750 Royal Oaks Drive, Suite 100  
Monrovia, CA 91016

Certificate No.2813

Dear Eduardo Rodriguez,

Pursuant to the California Environmental Laboratory Accreditation Act (ELAA) section 100880, the State Water Resources Control Board's (State Water Board) Environmental Laboratory Accreditation Program (ELAP) is issuing this Citation to Eurofins Eaton Analytical, LLC - Monrovia (EEA-M) for violations of the ELAA and title 22 of the California Code of Regulations (CCR). **The civil penalty assessed against EEA-M is two hundred sixty-six thousand, nine hundred dollars (\$266,900.00).**

#### Summary of Violations:

In addition to this summary of violations, a more detailed explanation can be found in the accompanying Notice of Violation and Order to Correct dated April 05, 2023 (and hereby incorporated by reference).

1. EEA-M failed to electronically report results directly to the State Water Board, within the established time frame, during June, July and August of 2022, in violation of California Code of Regulations (CCR) section 64814(k).
2. EEA-M failed to maintain a system to control records, in a violation of CCR section 64814.00(n)(2).
3. EEA-M failed to address the minimum quality control requirements specified in the test methods for which the laboratory maintains accreditation in violation of CCR section 64802.05(b).

EEA-M violated multiple sections of the ELAA and its regulations, resulting in a threat to public health. The seriousness of these violations requires ELAP to issue civil penalties under ELAA.

#### Calculation of Civil Penalty:

ELAA section 100880 authorizes ELAP to issue a citation for violations of the ELAA up to one thousand dollars (\$1,000) per day of violation for each violation. ELAP has

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

conclusive evidence of the following violations: (1) 2,633 samples that EEA-M failed to report within the required timeframe; (2) 35 samples where the laboratory failed to maintain a system to control records and data was lost; (3) one sample where the Laboratory failed to address the minimum quality control requirements. The total allowable penalty in this citation for all 2,669 samples is \$2,669,000 per day of violation.

ELAP acknowledges the following mitigating facts:

- COVID-19 absences of laboratory staff coincided with, and significantly impacted, the implementation of a new Laboratory Information Management system (LIMs);
- The COVID-19 absences substantially contributed to the late-reporting violations;
- EEA-M cooperated with ELAP's investigation, took immediate corrective action at significant cost to prevent further missed reporting;
- EEA-M has since successfully rolled-out the LIMs and relocated to a new accredited facility in Pomona, CA; and
- EEA-M has consistently reported CA-ELAP samples on time and without incident since September 2022.

#### Civil Penalty:

ELAP has evaluated the gravity, duration, and magnitude of the violations and determined that the appropriate penalty for the above violations is **two hundred sixty-six thousand, nine hundred dollars (\$266,900.00)**. This calculation was determined with a reduced rate from \$1,000/sample to \$100/sample. While the duration of the laboratory's violations for some samples exceeds 90 days, for the purpose of resolution, ELAP has determined that the above reduced rate will be charged for 1 day of violation for each sample. This significant reduction in penalty is based on EEA-M's substantial cooperation with ELAP's investigation and acknowledgement of the above mitigating facts, willingness to immediately take corrective action, implementation of effective corrective action to prevent further missed reporting, and waiver of any further hearing. Failure to execute the attached Waiver will result in ELAP amending the Citation to a higher penalty, up to the maximum allowable by law.

Pursuant to ELAA section 100880, the civil penalty assessed against EEA-M is **\$266,900.00**. The citation shall be payable to the **Environmental Laboratory Improvement Fund** within **30 days** of receipt of this Order. The payment must include the invoice ID "2813-040523" and mailed to:

**Environmental Laboratory Accreditation Program**  
**Attn: Leanne Castle**  
**1001 I Street**  
**Sacramento, CA 95814**

Should you have any technical questions or require further assistance, please contact Leann Castle at [leann.castle@waterboards.ca.gov](mailto:leann.castle@waterboards.ca.gov). For any legal inquiries or clarifications, please contact Nickolaus Knight, senior staff attorney with the Office of Enforcement, at [nickolaus.knight@waterboards.ca.gov](mailto:nickolaus.knight@waterboards.ca.gov).

April 5, 2023

Sincerely,

*Christine Sotelo*

Christine Sotelo, Chief  
Environmental Laboratory Accreditation Program

Cc:

Alexandria Turner, ELAP-PDREU, SWRCB  
Nickolaus Knight, Office of Enforcement, SWRCB  
Kim Niemeyer, Office of Chief Counsel, SWRCB  
Robert Brownwood, Program Management Branch, SWRCB  
Peter Husby, US EPA Region 9  
Elizabeth Berg, US EPA Region 9  
Cornine Li, US EPA Region 9  
Roberto Rodriguez, US EPA Region 9  
Lawrence Torres, US EPA Region 9